

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WISCONSIN

ANNIE LAURIE GAYLOR; DAN)
BARKER; IAN GAYLOR, PERSONAL)
REPRESENTATIVE OF THE ESTATE OF)
ANNE NICOL GAYLOR; and FREEDOM)
FROM RELIGION FOUNDATION, INC.,)

Plaintiffs,)

v.)

Case No. 3:16-cv-00215

JACOB LEW, Secretary of the United States)
Department of Treasury; JOHN KOSKINEN,)
Commissioner of the Internal Revenue)
Service; and the UNITED STATES OF)
AMERICA,)

Defendants,)

and)

EDWARD PEECHER; CHICAGO)
EMBASSY CHURCH; PATRICK)
MALONE; HOLY CROSS ANGLICAN)
CHURCH; and THE DIOCESE OF)
CHICAGO AND MID-AMERICA OF THE)
RUSSIAN ORTHODOX CHURCH)
OUTSIDE OF RUSSIA,)

Intervenor-Defendants.)

DEFENDANT UNITED STATES' EXPEDITED MOTION FOR PROTECTIVE ORDER

Pursuant to Fed. R. Civ. P. 26(c), Defendant United States of America requests that the Court enter an order forbidding the Rule 30(b)(6) deposition of the Internal Revenue Service, an agency of the United States, noticed by the Intervenor-Defendants for February 23, 2017, to protect the United States from oppression and undue burden. The United States further requests that the Court consider this motion on an expedited basis given that the deposition date is so

near in time. Finally, the United States also requests that the Court consider awarding the United States its reasonable expenses, including attorney's fees, incurred in making this motion under Fed. R. Civ. P. 26(c)(3) and 37(a)(5).

In support of this motion, the United States submits the brief and exhibits filed herewith.

Richard Rose, undersigned counsel for the United States, certifies that, during the week of February 6, 2017, he conferred in good faith with counsel for the Intervenor-Defendants in an effort to resolve this dispute without court action.

Dated: February 10, 2017

Respectfully submitted,

DAVID A. HUBBERT
Acting Assistant Attorney General

/s/ Richard G. Rose

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CERTIFICATE OF SERVICE

I certify that, on February 10, 2017, service of the foregoing DEFENDANT UNITED STATES' EXPEDITED MOTION FOR PROTECTIVE ORDER was made on all parties by filing it with the Clerk of Court using the CM/ECF system.

/s/ Richard G. Rose

RICHARD G. ROSE